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From: Olson, Erik
Sent: Thur 2/16/2017 9:25:37 PM

Ex. 5 - Attorney Client

- Erik

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From: Hanson, Kristen [mailto:KHanson@ldftribe.com]

Sent: Thursday, February 16, 2017 2:53 PM

To: Arrazola, Ignacio <arrazola.ignacio@epa.gov>

Cc: lwawronowicz@ldftribe.com; Dee.allen@ldftribe.com; Olson, Erik <olson.erik@epa.gov>; rdubey@scblaw.com

Subject: Access Agreement Consideration Request, water level measurements, Haskell Lake Area Petroleum Contamination Site

Good Afternoon Ignacio,

In light of a timely opportunity to collect much needed high quality water level elevation data, we are requesting a second look at EPA's decision regarding USGS access under EPA's current access agreement to collect water quality data at the Haskell Lake Area Petroleum Contamination Site.

USGS will be on site for 1 day during the week of February 27 –March 3, 2017 to collect sensor data in the MW16 well nest. This work is associated with one of the Tribe's USGS projects and EPA staff are aware of this work. The work project proposal was shared with EPA staff during

and after the consultation visit, scope of work and proposal documents have been shared, all data generated has been shared, and regular updates on the Tribal-USGS project have been provided during conference calls.

During the field event scheduled the week of February 27th, USGS staff are willing to collect groundwater elevation data from all area wells. Currently the Tribe does not have reasonable access to four site well located on the property owned by Bill and Linda Kozak, identified as the Responsible Party under both EPA and Tribal Enforcement Actions. However, EPA does maintain a signed access agreement for the Kozak property. Monitoring Well Nests 18, 19, 21, and 22 are located on the Kozak's property.

We also had an opportunity for USGS to collect water level elevation data when equipment was deployed in October of last year. After Tribal Access was restricted by the responsible party, utilizing the existing EPA site access agreement was explored. We understand that initially EPA legal agreed with the Tribal legal assessment that as part of the federal family, USGS should likely have site access under EPA's access agreement with the Kozaks. Later, EPA made the decision not to extend access to USGS for the purpose of water level elevation data collection.

Reliable groundwater elevations are needed at the site. Currently groundwater flow maps do not agree with established contaminant plume mapping. Groundwater elevation data uncertainties have been identified as a possible explanation to the disparities between physical groundwater flow interpretations and the established contaminant plume maps. Current groundwater elevation data is limited. For example:

- 1) EPA has never collected groundwater elevations across the entire well network. Groundwater elevations have only been measured in 2 well nests per sampling event.
- 2) One groundwater flow map has been produced by EPA's contractor. The data is based on water level elevations collected by the state contractor in November. The elevations were partially collected on three separate days over a 7 day period and under different weather/atmospheric pressure events.
- 3) Existing limited water level data presented on a hydrograph is chaotic.

The elevation data may not be the source of the physical –chemical disagreement, but having a full set of reliable data to eliminate the possibility of data uncertainties is useful to moving site characterization efforts forward.

Therefore, in light of this timely opportunity, your consideration of this request to revisit the decision to allow USGS access to the four monitoring well nests for water level elevations under EPA's existing access agreement is appreciated.

Sincerely,

Kristen Hanson

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